

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON/GREENWOOD DIVISION

Garron Ladon Norris,) Civil Action No.: 8:09-2346-PMD-BHH
)
 Plaintiff,)
)
 vs.) **O R D E R**
)
 Mrs. M. Queen, Transport Ofc.; and)
 Cpl. Huggins, Ofc,)
)
 Defendants.)

ORDER

The plaintiff brought this action seeking relief pursuant to Title 42, United States Code, Section 1983. On December 7, 2009, the defendants filed a motion for summary judgment. [Doc. 16]. By order of this court filed December 8, 2009, pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), the plaintiff was advised of the summary judgment procedure and the possible consequences if he failed to respond adequately.

On February 19, 2010, an Order [Doc. 27] was issued by the Honorable Patrick Michael Duffy adopting a Report and Recommendation [Doc. 24] denying plaintiff's motion to appoint counsel and provide legal materials. Plaintiff's time to respond to the motion for summary judgment was extended to March 22, 2010, per the adoption of the Report and Recommendation. Despite the explanation in the *Roseboro* orders and the extension of time given, the plaintiff has not responded to the motions for summary judgment.

As the plaintiff has failed to respond to the motions for summary judgment, it appears to the court that he wishes to abandon this action. Therefore,

IT IS ORDERED that the plaintiff shall have through April 19, 2010, in which to file

his response to the motions for summary judgment. The plaintiff is advised that if he fails to respond, this action will be subject to dismissal for failure to prosecute pursuant to F. R. Civ. P. 41(b), and for failure to comply with this Court's orders, pursuant to Rule 41(b) of the Federal Rules of Civil Procedure and the factors outlined in *Chandler Leasing Corp. v. Lopez*, 669 F.2d 919, 920 (4th Cir.1982). See *Ballard v. Carlson*, 882 F.2d 93 (4th Cir. 1989). The dismissal will be considered an adjudication on the merits, i.e., *with prejudice*.

IT IS SO ORDERED.

s/Bruce Howe Hendricks
United States Magistrate Judge

March 25, 2010
Greenville, South Carolina